

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6248 OF 2004

Laxman Vishnu Gurav ...Petitioner

Versus

Village of Menawali
Through villagers,
P.R. Choudhary and Ors. ...Respondents

.....

Mr. R.V. Bansode h/f Dilip Bodake, counsel for
Petitioner

.....

CORAM: B. H. MARLAPALLE, J.

DATED: 16TH MARCH, 2005

P. C.:-

1. Heard Mr. Bansode, the learned counsel for the petitioner.

2. The residents of village Menawali in Wai Taluka of Satara District have filed Regular Civil Suit No. 210 of 2000 and an application for temporary injunction at Exh.5 filed in the suit, came to be allowed by the learned C.J.J.D. at Wai by his order dated 27.7.2000. The said order was carried before the District Judge in Miscellaneous Civil Appeal No. 192 of 2000 which also came to be dismissed by the learned IV Additional District Judge at Satara vide his judgment and order dated 20.2.2003.

3. There is no doubt that the present petitioner is the successor of Pujari and is entitled to stay in the premises of the temple concerned but at the same time he could not undertake construction which is the subject matter for challenge in the suit without following due process of law and more so, when the land belongs to the Trust. Under these circumstances, the concurrent view taken by both the courts below does not call for any interference in this petition under Article 227 of the Constitution of India.

4. The petition is rejected summarily.